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**FACSIMILE COVER SHEET**

<b>TO:</b>	Examiner Stephanie K. Mummert U. S. Patent & Trademark Office Group Art Unit 1637		
<b>FROM:</b>	John D. Magluyan, Reg. No. 56,867		
<b>RE:</b>	U.S. Application No. 10/725,396 Atty. Docket No.: 03500.017349.		
<b>FAX NO.:</b>	(571) 273-8300		
<b>DATE:</b>	May 22, 2006 (Monday)	<b>NO. OF PAGES:</b>	3
		<small>(including cover page)</small>	
<b>TIME:</b>	2:03 P.M.	<b>SENT BY:</b>	L.S

**MESSAGE**

Attachment:

Response to Restriction/Election Requirement

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MAY 22 2006

03500.017349.

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
KAZUHIRO TAKADA ) Examiner: Stephanie K. Mummert  
Application No.: 10/725,396 ) Group Art Unit: 1637  
Filed: December 3, 2003 )  
For: PROBE CARRIER, METHOD )  
OF PRODUCING THE PROBE )  
CARRIER, METHOD OF )  
EVALUATING THE PROBE )  
CARRIER AND METHOD OF )  
DETECTING A TARGET )  
NUCLEIC ACID USING THE )  
SAME ) May 22, 2006 (Monday)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated April 20, 2006, Applicant provisionally elects to prosecute the Group I claims, namely Claims 1 to 8 and 19. The Restriction Requirement is, however, traversed.

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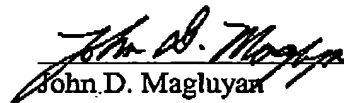
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Traversal is on the ground that there would not be undue burden in examining two groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I and II in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
John D. Magluyan  
Attorney for Applicant  
Registration No.: 56,867

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